



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
PIEDMONT REGIONAL OFFICE

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**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
AdvanSix Resins and Chemicals, LLC.
Registration No. 50232**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and AdvanSix Resins and Chemicals, LLC, regarding the AdvanSix Resins and Chemicals, LLC., Hopewell Site for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
3. "AdvanSix" means AdvanSix Resins and Chemicals, LLC., a limited liability corporation authorized to do business in Virginia and its members, affiliates, partners, and subsidiaries. AdvanSix is a "person" within the meaning of Va. Code § 10.1-1300.
4. "Decree" means the July 18, 2013, Consent Decree issued to AdvanSix by the Environmental Protection Agency (EPA) and the DEQ.
5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

6. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. "Facility" means AdvanSix Resins and Chemicals, LLC.'s Hopewell Plant, a chemical manufacturing plant located at 905 East Randolph Road, Hopewell, Virginia. The Facility primarily produces caprolactam.
8. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
9. "NSR Permit" means the New Source Review permit issued on August 28, 2019 for certain new operations or changes at the Facility. The flare identified as "FLS-61" is regulated by this permit.
10. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
11. "PCE" means a partial compliance evaluation by DEQ staff.
12. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
13. "Permit" means the Title V Operating permit to operate a chemical production plant, which was last amended under the Virginia Air Pollution Control Law and the Regulations to AdvanSix on March 30, 2016.
14. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
15. "Va. Code" means the Code of Virginia (1950), as amended.
16. "VAC" means the Virginia Administrative Code.
17. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. AdvanSix owns and operates the Facility. While caprolactam is the principal product made at the Facility, other products include ammonium sulfate, cyclohexanol, cyclohexanone and oxime chemicals.
2. The Facility is the subject of the Permit, which allows the operation of the Facility.

Third Party Audit violations

3. On September 10, 2018, DEQ staff reviewed a submittal from AdvanSix entitled “Voluntary Disclosure – Air Program Audit Report”, dated August 1, 2018. This was received in the first half 2018 Title V Permit Semi-Annual Monitoring, dated August 29, 2018. In the submittal, AdvanSix stated that they had hired TRC Environmental Corporation (TRC) to conduct a voluntary “Air Audit Program” at the Facility. TRC conducted a two-week audit of all the Air Regulation requirements applicable to the Facility during December 2017. Paragraphs C.4. through C.18 contain staff observations and the applicable legal requirements for all those violations noted in the report for which Virginia has received and accepted delegation.¹
4. The Area 6 standard operating procedures checklist for the HAZARDOUS ORGANIC NESHAP (HON) startup, shutdown and malfunction (SSM) events were not used. Records were not available documenting that all SSM events were reviewed. The report states that SSM plan changes were not reported in the semi-annual HON report. The applicable legal requirement is:
 - a. Condition 59 of the Permit: “The permittee shall develop and implement a written start-up, shutdown and malfunction (SSM) plan as specified in 40 CFR 63.6(e)(3). This plan shall describe, in detail, procedures for operating and maintaining Area 6 during periods of SSM and a program for corrective action for malfunctioning process and air pollution control equipment used to comply with 40 CFR 63 Subparts G and H. (40 CFR 63.6(e)(3) and 9 VAC 5-80-110)”
5. The Area 6 and 16 Miscellaneous Organic Chemical Manufacturing (MON) startup, shutdown and malfunction (SSM) plan changes were not reported in the semi-annual MON reports and records did not indicate that all SSM events were reviewed promptly. The applicable legal requirements are:
 - a. Condition 64 of the Permit: “MON Process Requirements The permittee shall operate any applicable Area 6 equipment in compliance with the requirements of 40 CFR 63 Subparts A and FFFF. (40 CFR 63 Subparts A and FFFF and 9 VAC 5-80-110)”
 - b. Condition 140 of the Permit: “Unless an alternative date is approved by the Administrator, the permittee shall operate any applicable Area 8/16 equipment in compliance with the requirements of 40 CFR 63 Subparts A and FFFF. (40 CFR 63 Subparts A and FFFF and 9 VAC 5-80-110)”
 - c. 40 CFR 63 Subpart A [63.25206(e)(3)(III)]: “When actions taken by the owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator must keep records for that event which demonstrate that the procedures specified in the plan were followed.

¹ The report also contained additional observations regarding Air programs for which Virginia has not received nor accepted delegation. These observations are excluded from this Order.

These records may take the form of a "checklist," or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan and describes the actions taken for that event. In addition, the owner or operator must keep records of these events as specified in paragraph 63.10(b), including records of the occurrence and duration of each startup or shutdown (if the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in § 63.10(d)(5).

6. The total resource effectiveness (TRE) calculations were not corrected when applicable changes were made to emission units in Areas 6 and 7 and the incorrect incinerator calculation was used to calculate the TRE. The applicable legal requirements are:
 - a. Condition 50 of the Permit: "The permittee shall recalculate the TRE (as defined in 40 CFR 60 Subparts NNN/RRR) index value for APT-66B and APT-67B (as exhausted through their common recovery device, product recovery condenser C-225), CL-10, CL-25, CL-36, CL-46, CL-64 and CL-65 whenever process changes are made. The TRE (as defined in 40 CFR 60 Subparts NNN/RRR) index value shall be recalculated based on test data or on best engineering estimates of the effects of the change on the recovery system. (40 CFR 60 Subparts NNN and RRR, Condition #73 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)"
 - b. Condition 184 of the Permit: "The permittee shall recalculate the TRE index value for the Area 7 barometric condenser affected facility whenever a process change is made to one of the units included in the affected facility (as specified in Condition #160). The TRE index value shall be recalculated based on test data or on best engineering estimates of the effects of the change on the affected facility. (40 CFR 60.664(g), Condition #187 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)"
7. The New Source Performance Standard (NSPS) semiannual report for 40 CFR 60 subparts NNN and RRR did not report temperature deviations for the thermal oxidizer identified as FU-16. The applicable legal requirements are:
 - a. Condition 151 of the Permit: "The permittee shall furnish written notification to the Director, Piedmont Regional Office of any change in equipment or process operation that increases the design flow rate of the Area 8 cyclohexanone oxime rearrangement reactor system above the low flow exemption level in 40 CFR 60.700(c)(3), reported semiannually in accordance with 40 CFR 60.705(l), for the Area 8 cyclohexanone oxime rearrangement reactor system activities. Also, the permittee shall furnish written notification to the Director, Piedmont Regional Office of any temperature exceedances as defined on Condition #148 and any

vent stream diversions as defined in Condition #149, reported semiannually in accordance with 40 CFR 60.665(l), for CL-15, CL-81, CL-62 and CL-62New. Copies of written notifications are to be sent to: EPA Region III... These must be reported as soon as possible after the change and no later than 180 days after the change. The source shall perform testing as defined in 40 CFR 60.705(l)(5). (40 CFR 60.665(l) and 60.705(l), Condition #155 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)"

- b. Condition 148 of the Permit: "The thermal oxidation unit (FU-16) shall operate at the minimum temperature determined during the most recent performance testing which demonstrated compliance with Condition #119. (Condition #151 of the 2/19/2015 NSR Permit and 9VAC5-80-110)"

- 8. The operating hours for the Kellogg emergency generator (GEN-2) were not available prior to February 2016. The Kellogg fire water pump (FP-4) weekly maintenance checklist did not include a notation that the belts and hoses were inspected. The Kellogg Fire Water Pump (FP-4) did not receive maintenance in calendar year 2016. The applicable legal requirements are:

- a. Condition 444 of the Permit: "As specified in 40 CFR 63.10(b)(1), the permittee shall keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The permittee shall keep records on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record according to 40 CFR 63.10(b)(1). The permittee can keep the records offsite for the remaining 3 years. The permittee's records shall be in a form suitable and readily available for expeditious review as specified in 40 CFR 63.10(b)(1). These records shall include, but are not limited to:
 - Records of the maintenance conducted on each emergency engine (FP-1, FP-2, FP-3, FP-4, GEN-2, GEN-3) in order to demonstrate that the permittee operated and maintained the units and after-treatment control devices (if any) according to the maintenance plan required by Condition #440.
 - Records of the hours of operation of each emergency engine (FP-1, FP-2, FP-3, FP-4, GEN-2, GEN-3 and GEN-4) that is recorded through the non-resettable hour meter. The permittee shall document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the emergency engines (FP-1, FP-2, FP-3, FP-4, GEN-2, GEN-3 and GEN-4) are used for demand response operation, the permittee shall keep records of the notification of the emergency situation, and the time each emergency engine (FP-1, FP-2, FP-3, FP-4, GEN-2, GEN-3 and GEN-4) was operated as part of demand response. (40 CFR 63.6655(e-f) and 9 VAC 5-80-110)"
- b. Condition 439 of the Permit: "As stated in 40 CFR 63.6602 and 63.6640, and as excepted in Table 2C of 40 CFR 63 Subpart ZZZZ, the permittee shall comply with the following requirements for emergency engines FP-1, FP-2, FP-3, FP-4, GEN-2 and GEN-3:

- Change oil and filter every 500 hours of operation or annually, whichever comes first.
 - Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first.
 - Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. (40 CFR 63.6602 and Table 2C of 40 CFR 63 Subpart ZZZZ and 9 VAC 5-80-110)”
9. The 2016 Title V Annual Compliance designated several permit conditions compliance status incorrectly. These conditions should be designated as not applicable (N/A). Several conditions designated as intermittent compliance did not include the reason for the determination. Title V condition 11 referenced an incorrect deviation date for an intermittent compliance determination. The means of determining compliance was not provided for conditions 425, 428, 431, and 432. The report did not address the CAM appendices or the changes made in the March 30, 2016 Permit. The applicable legal requirement is:
- a. Condition 465 of the Permit: “Annual Compliance Certification - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to section 114(a)(3) and section 504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
 - b. The identification of each term or condition of the permit that is the basis of the certification;
 - c. The compliance status;
 - d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
 - e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
 - f. Such other facts as the permit may require to determine the compliance status of the source; and
 - g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address: R3_APD_Permits@epa.gov (9 VAC 5-80-110 K.5)”

10. AdvanSix did not calculate the total sulfur and ammonia input into Area 9 monthly as the sum of the previous 12 consecutive months. The applicable legal requirements are:

- a. Condition 94 of the Permit: "The annual input of ammonia to Area 9 hydroxylamine monoammonium sulfate production shall not exceed 68,191,200 hydroxylamine sulfate units, calculated monthly as the sum of each previous consecutive 12 month period. (Condition #105 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)"
- b. Condition 95 of the Permit: "The annual input of sulfur to Area 9 hydroxylamine monoammonium sulfate production shall not exceed 137,159.6 hydroxylamine diammonium sulfonate units, calculated monthly as the sum of each previous consecutive 12 month period. (Condition #106 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)"

11. AdvanSix did not calculate the total cyclohexanone loaded into rail cars and trucks monthly as the sum of the previous 12 consecutive months. The applicable legal requirement is:

- a. Condition 29 of the Permit: "Total sales cyclohexanone (Nadone) loaded to railcars or tank trucks shall not exceed 14,934,434 Area 6 loading units per year, calculated monthly as the sum of each previous consecutive 12 month period. (Condition #50 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)"

12. AdvanSix did not calculate the total cobalt catalyst production monthly as the sum of the previous 12 consecutive months. The applicable legal requirement is:

- a. Condition 130 of the Permit: "The annual production of cobalt catalyst from the Area 8/16 Cobalt Catalyst Manufacturing process shall not exceed 10.8 Area 8/16 input units, calculated monthly as the sum of each previous consecutive 12 month period. (Condition #15 of the 7/6/1979 NSR Permit and 9 VAC 5-80-110)"

13. AdvanSix did not record the hours and estimated emissions from the Area-6 Hydro when the cryogenics unit is shutdown. The applicable legal requirement is:

- a. Condition 71.f.iii of the Permit: "For A6-Hydro (APT-2, 4, 6, 81, 82) during carbon bed depressurization and cryogenics malfunction episodes, CT-48, CT-53, CT-55, CL-2 and CL-18 (as exhausted through their common recovery device VE-02ZC), CL-9, CL-17, CL-26, CL-65new and CL-80:
 1. The total hours and estimated emissions from Area-6 Hydro when the cryogenics unit is shutdown;
 2. Records of the design of each flare;
 3. Records of all visible emission observations, heat content determinations, flow rate measurements, exit velocity determinations and any other information necessary to determine compliance with Condition #61; and
 4. Records of the pilot flame monitoring data required by Condition #62 for each flare; including hourly records of whether the monitor was continuously operating

and whether the pilot flame was continuously present during each hour and records of the times and durations of all periods when all pilot flames are absent or the monitors are not operating.

5. A schematic diagram of the affected vent streams, collections systems, fuels systems, flares and any bypass systems.

6. Records of the monitoring required by Condition #70 for each flare. (40 CFR 63.117(a)(5) and 63.118(a)(1-4))”

14. AdvanSix did not record the inspections conducted of the ammonium sulfate drop shoot prior to each loading event. The applicable legal requirement is:

- a. Condition 247.k. of the Permit: “The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall include, but are not limited to:

...

- k. Records of the each ammonium sulfate handling and loading operation (ship/barge loading) loading event and enclosed drop loading chute (or equivalent) inspections required by Condition #245.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years. (Condition #250 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)”

15. AdvanSix did not calibrate the Area 7 CRU caustic scrubber flow monitor at least annually. The applicable legal requirement is:

- a. Condition 188 of the Permit: “During all periods of operation, the Area 7 CRU flaker (FL-6) fume scrubber liquid flow rate shall be continuously monitored and recorded. The caustic/neutralizing agent injection rate shall be continuously monitored and recorded by one or more of the following methods: pump stroke rate, flow measurement or pH. Data from the continuous monitors shall be recorded as fifteen minute readings and reduced to 3-hour averages on a rolling basis. A valid 3-hour average shall consist of no less than 90% valid readings. The continuous monitoring devices shall be maintained and calibrated in accordance with the manufacturer's specifications (at least annually), and the results of the calibrations recorded. (Condition #193 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)”

16. The differential monitors located on FL-1, FL-5 and FL-7 were not calibrated as required by the manufacturer. The applicable legal requirement is:

- a. Condition 190 of the Permit: “ The Area 8 flakers shall be equipped with control system monitoring devices to measure the control system operating parameters as specified below:
 - Area 8 flaker #1 (FL-1): Differential Pressure

- Area 8 flaker #2 (FL-5): Differential Pressure
 - Area 8 flaker #3 (FL-7): Differential Pressure and Scrubber Liquid Flow (*)
- The monitoring devices shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. The monitoring devices shall be provided with adequate access for inspection and shall be in operation when their respective control systems are operating. (*) If the 2/19/2015 NSR Permit is amended to remove scrubber liquid flow as a required parameter, the scrubber liquid flow requirement of this condition shall be deemed void. (Condition #195 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)"

17. On February 4, 2019, DEQ issued Notice of Violation No. APRO001039-001 to AdvanSix for the violations noted in paragraphs C.4. through C.16.
18. On February 12, 2019, DEQ staff met with representatives of AdvanSix to discuss the violations noted above and any corrective actions they have implemented or planned to implement. During that meeting, AdvanSix asserted that they had put in to place measures that would prevent similar future violations of those items noted in the report. Most of these measures involved retraining staff, using computer programs to provide reminders for the performance of required periodic monitoring or maintenance events and to perform calculations for submittal. Based on the information submitted, no additional corrective actions are necessary.

FU-1 and FLS-61 by-pass, emissions and TV application violations

19. The NSR Permit requires the operation of certain air pollution control devices for the destruction of volatile organic compounds (VOC). The flare identified as FLS-61 is used to control VOC emissions coming from the Area 6 cyclohexanone hydrogenation reactor system (A6-Hydro). FLS-61 controls the A6-Hydro emissions when the Area 6 cryogenics facility (Cryo) is offline and it also controls a portion of the A6-Hydro emissions (from the carbon bed regeneration) when the Area 6 cryogenics facility is in operation. Additionally, the Kellogg process heater/reformer identified as FU-1 is used to combust a portion of the VOC emissions from the A6-Hydro process.
20. On April 26, 2019, DEQ staff reviewed a March 28, 2019 letter from AdvanSix, detailing how VOC and HAP emissions were bypassing FU-1 under certain operational scenarios. Specifically, whenever the Area 6 gas compressor (GC-5) is off line and the Cryo plant is operating, the return fuel gas and any regeneration emissions from the carbon beds bypass FU-1 and are emitted directly to the atmosphere through a process vent stack. The applicable legal requirement is:
 - a. NSR Permit condition 23: "Volatile Organic Compound (VOC) emissions from the Area 6 continuous cyclohexanone hydrogenation reactor system (A6-Hydro) shall be controlled by venting these emissions to the M. W. Kellogg Ammonia Production Plant (Kellogg) for incineration. The emissions vented to the Kellogg facility shall include any A6-Hydro emissions bypassing the cryogenics facility

and all A6-Hydro emissions entering the cryogenics facility except for emissions resulting from depressurizing the Area 6 cryogenics carbon beds (F-119, F-120). The TOC reduction efficiency of the Kellogg facility as an incinerator shall be at least 98%. (9 VAC 5-80-1180 and 9 VAC 5-50-260)”

On June 28, DEQ staff requested additional information regarding the Area 6 processes related to FLS-61 and the Kellogg Process heater FU-1.

21. On June 30, 2019, AdvanSix completed a project to direct the GC-5 VOC emissions to flare FLS-61, eliminating the potential for VOC emissions to bypass FU-1.
22. On July 15, 2019, DEQ issued Notice of Violation No. APRO001232-001 to AdvanSix for the violations noted in paragraphs C.19. and C.20.
23. On August 22, 2019, DEQ staff met with representatives of AdvanSix to discuss the violations noted above and any corrective actions they have implemented or planned to implement. During that meeting AdvanSix confirmed that they had performed the following:
 - a. Installed ductwork from the carbon beds to FLS-61 to vent VOC emissions directly to the flare whenever GC-5 is offline,
 - b. Prepared a permit application to incorporate this modification into their existing permit, and
 - c. Prepared and submitted a response to DEQ’s June 28th request for additional information related to Area 6 processes.
24. On August 23, 2019, DEQ staff reviewed the additional information submitted by AdvanSix regarding Area 6 processes and discovered the following:
 - a. AdvanSix is required to control VOC emissions by burning Area 6 recovered fuel gas in the Kellogg Primary Reformer identified as FU-1. However, FU-1 does not operate when the Kellogg ammonia plant is not operating. Additionally, FU-1 does not control Area 6 recovered gas fuel when gas compressor GC-5 is not operating. During these operating scenarios, VOC emissions are not being controlled and vent through the cryogenics’ cold box stack.
 - b. Uncontrolled VOC emissions from these operating scenarios were quantified for the calendar years 2016, 2017 and 2018. They were 4.33, 14.04 and 5.04 tons and 71, 199 and 75 bypass days, respectively. Additionally, these emissions were not reported calendar years 2016 and 2017 nor were emission fees paid for 2016 and 2017.
 - c. The Title V permit application submitted on February 19, 2019 did not include the emission process and/or scenario as described in the response to the June 28, 2019 request for information.
25. On August 29, 2019, AdvanSix submitted the “1H19 Title V Permit Semi- Annual Monitoring Report to DEQ containing the FU-1 bypass issue.

26. 9VAC5-20-160 states, "A. The owner of any stationary source to which permits are issued under 9VAC5 Chapter 80 (9VAC5-80-10 et seq.) or for which emission standards are given in 9VAC5 Chapter 40 (9VAC5-40-10 et seq.), 9VAC5 Chapter 50 (9VAC5-50-10 et seq.), and 9VAC5 Chapter 60 (9VAC5-60-10 et seq.) shall, upon request of the board, register such source operations with the board and update such registration information. The information required for registration shall be determined by the board and shall be provided in the manner specified by the board. Owners should review the emission standard for their respective source type to identify the exemption levels for purposes of this section.
- B. The owner of any stationary source emitting 25 tons per year or more of volatile organic compounds or nitrogen oxides and located in any emissions control area designated in 9VAC5-20-206 shall submit an emissions statement to the board by April 15 of each year, beginning in 1993, for the emissions discharged during the previous calendar year. Emissions statements shall be prepared and submitted in accordance with the applicable procedure in 9VAC5-20-121."
27. On October 29, 2019, DEQ staff deemed AdvanSix's permit application complete and issued a revised permit to incorporate the process change on December 5, 2019. Based on this information, no additional corrective actions are necessary regarding FLS-61 and FU-1.
28. Va. Code §10.1-1322 states that failure to meet conditions of a permit is considered a violation of the Virginia Air Pollution Control Law.
29. 9VAC5-80-260 and 9VAC5-80-1210(l) require compliance with all terms and conditions of Title V operating permits and permits for stationary sources respectively.
30. Based on the results of the above mentioned PCEs, meetings and submitted documentation, the Board concludes that AdvanSix has violated conditions 50, 59, 64, 71, 94, 95, 130, 140, 184, 188, 190, 247, 439, 444 and 465 of the Permit; condition 23 of the NSR Permit, Chapter 40 Part 60 Appendix F and Part 63 Subpart A of the Code of Federal Regulations and Va. Code § 10.1-1322 and 9VAC5-20-160, 9VAC5-80-260 and -1210 of the Virginia Air Pollution Control Law and Regulations as described above.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders AdvanSix, and AdvanSix agrees, to pay a civil charge of \$123,082.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

AdvanSix shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, AdvanSix shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of AdvanSix for good cause shown by AdvanSix, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, AdvanSix admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact, and conclusions of law in this Order.
4. AdvanSix consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. AdvanSix declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by AdvanSix to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority. AdvanSix does not waive any rights or objections it may have in any enforcement action

by other federal, state, or local authorities arising out of the same or similar facts to those recited in this Order.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. AdvanSix shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. AdvanSix shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. AdvanSix shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and AdvanSix. Nevertheless, AdvanSix agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after AdvanSix has completed all of the requirements of the Order;
 - b. AdvanSix petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

- c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to AdvanSix.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve AdvanSix from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by AdvanSix and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of AdvanSix certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind AdvanSix to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of AdvanSix.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, AdvanSix voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 29th day of July, 2020.

James J. Golden
James J. Golden, Regional Director
Department of Environmental Quality

AdvanSix Resins and Chemicals, LLC. voluntarily agrees to the issuance of this Order.

Date: 7/23/2020 By: Andrew G. Girvin Site Manager
(Person) (Title)
AdvanSix Resins and Chemicals, LLC.

Commonwealth of Virginia

City/County of Hopewell

The foregoing document was signed and acknowledged before me this 23rd day of July, 2020, by Andrew Girvin, who is Hopewell site manager of AdvanSix Resins and Chemicals, LLC., on behalf of the corporation.

Patricia Branch
Notary Public

7746253
Registration No.

My commission expires: Feb 28, 2021

Notary seal:

